

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>CRIMINAL ACTION</b>
<b>v.</b>	<b>NO. 19-340</b>
<b>ANTHONY ROBINSON</b>	

**ORDER RE: MOTION TO SUPPRESS**

**AND NOW**, this 31st day of October, 2019, following an evidentiary hearing on October 23, 2019, it is ordered that Defendant's Motion to Suppress is **DENIED**.

At the October 23 hearing, the Court made findings of fact after the conclusion of testimony. The Court specifically found the testimony of the arresting officers was credible and that the Defendant attempted to run when a police car drove alongside him. The Defendant discarded an object, and because of the contents of the radio call that the police had received, the officers were entitled to infer that the object was a firearm. Defendant's attempt to flee was unsuccessful. He was apprehended and the object turned out to, in fact, be a firearm.

As Defendant was never seized before he discarded the firearm, this is not a stop and frisk case. See California v. Hodari D., 499 U.S. 621, 629 (1991).

Defendant also seeks to suppress a statement he gave at a police station after his arrest as the "fruit of the poisonous tree."

Given that they found that the Defendant possessed a firearm, which is a felony offense, the officers were entitled to arrest him. The Defendant was handcuffed and taken to a police station and interrogated within a few hours. There is no dispute that he was given his *Miranda* warnings and subsequently made a statement. Since the initial arrest was completely lawful, and there is no indication that Defendant was deprived of his rights post-arrest, the Motion to Suppress the Defendant's Statement will also be **DENIED**.

**BY THE COURT:**

*/s/ Michael M. Baylson*

---

**MICHAEL M. BAYLSON, U.S.D.J.**

O:\Criminal Cases\19cr340 order re Motion to Suppress 10312019.docx